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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,325	03/11/2004	Yoshinori Tsumiyama	ACO 385	1663

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EXAMINER

BASINGER, SHERMAN D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/800,325	Applicant(s) TSUMIYAMA ET AL.	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration filed June 15, 2004 is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

### ***Specification***

2. The disclosure is objected to because of the following informalities: in paragraph [0051], line 7 "timer 50a, and memory 50b" should be -timer 50b, and memory 50a-.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al in view of Kanno.

Treharne et al discloses a theft prevention method equipped with a main

Switch (figure 2) for opening/closing a main power-supply circuit including a starting circuit of

an engine, the method comprising:

detecting the main switch being in an ON-state (step 32; also see column 3, lines 31 and 32 and column 4, lines 6 and 7);

detecting that an operative coupling exists between an operating device configured to enable activation of the main switch and an operating device receptor (step 36; also see column 4, lines 10-29);

detecting that the engine is stopped (step 42; see 4 lines 41-45); and

inhibiting the engine from starting, provided that the main switch is detected

to be in the ON-state, no connection is

detected to exist between the operating

device and the main switch, and the engine is detected to be stopped (see column 4, lines (see step 48).

With regard to claim 2, the key operable main switch is 20 and the key is 12.

With regard to claim 3, the IC transmitter is 14 and the IC receiver is 16.

Treharne et al does not disclose that the theft prevention method is of a personal watercraft. Kanno discloses a personal watercraft with an anti-theft device. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the anti-theft device of Treharne et al on a personal watercraft similar to that of Kanno. Motivation to do so is to expand the

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usefulness of the anti-theft device of Treharne et al by modifying it to be used on a personal watercraft already having an anti-theft device.

Treharne et al discloses a theft prevention apparatus equipped with a main Switch 20 for opening/closing a main power-supply circuit including a starting circuit of an engine, comprising:

a main switch ON-state detector (column 3, lines 31-32) configured to detect that the main switch is

in an ON-state;

an operating device 12 configured to enable the main switch to be actuated;

an operating device detector 16 configured to detect that the operating device is operatively coupled to an operating device receptor of the watercraft,

an engine stop detector (column 3, lines 48-53) configured to detect a stopping of the engine; and

an engine start inhibitor (immobilizer system) configured to inhibit the engine from starting,

provided that the main switch is detected in the

ON-state by the main switch

ON-state detector, the operating device

and the operating device receptor are not

detected to be operative coupled by the operating device detector, and a stopping of

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the engine is detected by the engine stop detector (see steps 42 and 48).

Treharne et al does not disclose his immobilizer theft prevention apparatus as an apparatus of a personal watercraft. Note the personal watercraft and anti-theft device of Kanno. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify the immobilizer of Treharne et al for use on the personal watercraft of Kanno. Motivation to do so is to expand the use of the device of Treharne et al by modifying it for use on personal watercrafts.

With regard to claim 5 see column 1, line 27 of Treharne et al.

With regard to claim 6, the main switch 20 of Treharne et al is a key operable switch and the key is 12.

With regard to claim 7, in Kanno the main switch is 180, the kill switch is 190 and the starter switch is 222. In modifying Treharne et al for use on a personal watercraft similar to that of Kanno, a person having ordinary skill in the art to which said subject matter pertains would modify the key, transceiver and electronic engine controller of Treharne et al for use with the main switch 180 of Kanno.

With regard to claim 8 note lanyard 248 of Kanno. In modifying the immobilizer of Treharne et al for use with the personal watercraft of Kanno, the engine stopped detectors of Treharne et al would be configured to detect at least one of a removal

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operation of the tether cord from the kill switch, an OFF-operation of the kill switch, and a zero engine speed in that they do detect a zero engine speed.

With regard to claim 9, see steps 42-48 of Treharne et al.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al and Kanno as applied to claim 4 above, and further in view of Turner. Treharne et al does not disclose an alert indicator for alerting an operator of the personal watercraft when the main switch ON-state detector detects the main switch being in the ON-state, the operating device detector detects that no connection exists between the operating device and the main switch, and the engine stop detector detects the stop of the engine. Note the alarm 28 of Turner. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an alarm similar to 28 of Turner as an alert indicator for alerting an operator of the personal watercraft when the main switch ON-state detector detects the main switch being in the ON-state, the operating device detector detects that no connection exists between the operating device and the main switch, and the engine stop detector detects the stop of the engine. Motivation to do so is to alert someone that the engine of Treharne et al is being immobilized as in steps 42-48 of Treharne et al. By alerting someone of a possible theft, a thief can be made to leave the area.

***Allowable Subject Matter***

6. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takashima et al is cited to show the immobilization system for a watercraft which uses a transponder mounted in a lanyard clip. Yano is cited to show the vehicular anti-theft system-note column 5, lines 6-9, column 5, lines 44-47, column 10, lines 40-43 and column 12, lines 21-27.

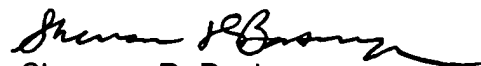
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sherman D. Basinger  
Primary Examiner  
Art Unit 3617

1/18/05

Sdb  
1/18/05